

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated April 30, 2007 (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Based upon the comments in the Advisory Action dated July 24, 2007, it is Applicant's understanding that the §112 rejection has been withdrawn; therefore, no further comments on the rejection should be required.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1, 17, 26, 34 and 35 to indicate that the terminal equipment obtains information about accessory software in the accessory, for example, by scanning the accessory. These changes merely introduce the limitations of original dependent Claim 19 to the independent claims and are further supported by Fig. 2 and the discussion thereof in paragraph [0027]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Although it is unclear as to how the elements of Lavian's Fig. 1 are being aligned by the Examiner to allegedly correspond to the claimed invention, it would appear that at least target device 112 is asserted as corresponding to the claimed terminal equipment as target device 112 is the only device that executes the asserted proxy application (converted object-oriented application). Lavian at least does not teach that target device 112 scans the software stored of any of the identified elements such that Lavian does not teach scanning the software stored in an accessory by the terminal equipment. Further, Lavian does not teach that target device 112 obtains information about accessory software in any of the other elements illustrated in Fig. 1. This is further evidenced by the fact that the rejection of dependent Claim 19 refers to devices 106/116, which as clearly illustrated in Fig. 1, are not located in the target device 112 (asserted terminal equipment). Thus, Lavian does not disclose a device that corresponds to the claimed terminal equipment. Without

correspondence to each of the claimed limitations, a §102 rejection based upon Lavian would be improper.

Applicant also respectfully maintains the traversal of each of the prior art rejections (§§102(e) and 103(a)) based upon the teachings of U.S. Patent No. 6,772,205 to Lavian *et al.* (hereinafter “Lavian”) because Lavian does not teach or suggest each of the claimed limitations. As pointed out previously, Lavian does not teach executing a proxy application in a terminal equipment where the proxy application provides an accessory software application with the services offered by the application interface of the terminal equipment, as claimed in the independent claims. Rather, the cited portions of Lavian merely teach that a separate proxy device is used to provide target device 112 (asserted as corresponding to the claimed terminal equipment) with a converted object-oriented application (apparently asserted as corresponding to the claimed proxy application). However, there is no teaching or suggestion that the converted object-oriented application provides network device 102 (asserted as corresponding to the claimed accessory), or any other element, with services provided by client application 226 (asserted as corresponding to the claimed application interface). Instead, the apparently asserted alignment of Lavian teaches that the asserted accessory facilitates the provision of applications to the asserted terminal (target device 112) without the asserted terminal providing any services to the asserted accessory (network device 102). Thus, Lavian does not teach or suggest a proxy application providing an accessory software application with services offered by a terminal’s application interface or that the asserted accessory (network device 102) executes an accessory software application, as claimed.

Moreover, the reference to client user interface 114 is not understood and appears to be misplaced. For example, Lavian does not teach that client node 114 executes an application (accessory software application or proxy application) such that it would correspond with either the claimed accessory or terminal equipment. As the identified target device 112 is the only device that executes the asserted proxy application (converted object-oriented application), target device 112 must be asserted as corresponding to the claimed terminal equipment. However, none of the other elements discussed in paragraph

(b) of the Advisory Action are provided with services offered by an application interface of the target device 112 such that they would correspond to the claimed accessory. The assertion that Lavian's proxies are associated with downloading applications to terminal devices fails to provide correspondence to providing an accessory application in an accessory with services offered by the application interface of a terminal. *See, e.g.*, paragraph [0031] of the instant Specification. The asserted teachings of Lavian appear to teach a one-way provision of applications to a target device that does not teach or suggest an accessory, as claimed. Without a presentation of correspondence to each of the claimed limitations, each of the prior art rejections are improper.

With particular respect to the §102(e) rejection, Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that Lavian does not teach every element of independent Claims 1, 17 and 26 in the requisite detail and therefore fails to anticipate Claims 1-6, 8-15, 17-24, 26-29 and 31-33.

With particular respect to independent Claims 34 and 35, while the claims are discussed on page four, these claims are not included in any of the statements of rejection as required by MPEP §707.07(d). As the word "reject" is not used and the statutory basis for any ground of rejection is not designated by an express reference in the opening sentence of a rejection for Claims 34 and 35, any rejection of Claims 34 and 35 at least would fail to comply with MPEP §707.07(d). As argued previously the apparent rejection of these claims on the basis of the rejection of Claim 1 would be improper for the reasons discussed above in connection with the failure of Lavian to correspond to the claimed invention.

In addition, dependent Claims 2-6, 8-15, 18-24, 25-29 and 31-33 depend from independent Claims 1, 17 and 26, respectively, and also stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Lavian. While Applicant does not acquiesce with the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claims 1, 17 and 26. These dependent claims include all of the limitations of independent Claims 1, 17 and 26 and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 2-6, 8-15, 18-24, 25-29 and 31-33 is improper. Applicant accordingly requests that the §102(e) rejection be withdrawn.

With particular respect to several of the dependent claims, Applicant maintains that the Examiner has not shown, or even asserted, that Lavian teaches or suggests several of the claimed limitations. For example, with respect to Claim 3, the relied-upon portion of Lavian as teaching that downloading is automatic makes no reference to downloading “after detecting the connecting of the accessory” as the portion at column 3, lines 17-30 does not discuss the asserted accessory. Also, the reference to identifying a network device indicates that the device was already a part of the network, and there is no teaching regarding detecting the connecting of an accessory as claimed in Claim 2 to which the claimed detecting in Claim 3 refers.

For another example, the portions of Lavian relied upon for the rejection of Claim 28 do not address the network device 102 (the asserted accessory), nor do they identify any cover, as claimed. In paragraph (d) of the Response to Arguments the direction to “see the rejection above” fails to respond to the arguments against the rejection of Claim 28 as the previous rejection was merely repeated without any further explanation. As pointed out previously, the various devices listed that may connect to the target device 112 are not disclosed as executing any accessory software application or being provided any services offered by target device 112 via a proxy application. Moreover, the mere assertion that such devices “have some sort of container that constitute a cover” fails to provide correspondence to the limitations that “the accessory is a cover for the terminal equipment.” It has not been shown how the asserted printer/pointer devices/keyboard are a cover for the

target device 112 as they are only taught as being connected thereto. Lavian has not been shown to correspond to at least these dependent claims; therefore, the §102(e) rejection of at least these claims is improper. Applicant accordingly requests that the rejection be withdrawn.

With respect to the §103(a) rejections, Applicant respectfully maintains the traversal because the further asserted modification of Lavian and the reliance on U.S. Publication No. 2004/0152457 by Goldstein *et al.* (hereinafter “Goldstein”) do not overcome the above-discussed deficiencies in the teachings of Lavian. As discussed above, Lavian fails to correspond to the limitations of independent Claims 1, 17 and 26 (from which Claims 7, 13, 16, 25, and 30 depend). It has not been shown that Goldstein or the asserted modification of Lavian would correspond to the limitations absent in Lavian. Thus, the asserted modification of Lavian and the asserted combination of the teachings of Lavian and Goldstein do not teach each of the claimed limitations of dependent Claims 7, 13, 16, 25, and 30, and the rejection should be withdrawn.

With particular respect to the rejection of dependent Claims 16 and 25, the assertion that a skilled artisan would modify the teachings of Lavian to reduce the cost of implementing a RTOS in another invention is illogical. Any modification to the teachings of Lavian would not affect another system, only Lavian’s. The rejection of these claims is illogical and incorrect. Moreover, consistent with the prohibition of using hindsight reasoning, any motivation for modifying the teachings of Lavian must be objective and not come from Applicant’s application. Applicant accordingly requests that the rejection be withdrawn.

Moreover, the requisite evidence of motivation to modify Lavian as asserted has not been presented, nor does such motivation exist based on the cited reference. In the Office Action, the Examiner asserts that “One would have been motivated to implement a ‘Symbian’ software platform on a wireless communication system” as rationale for modifying the teachings of Lavian to include a Symbian software platform. However, Lavian is not directed to a wireless communication system and does not use the term “wireless” in the patent document. The Examiner also acknowledges this at pages 10-11 of

the Office Action. No evidence has been presented that a skilled artisan would modify the admittedly non-wireless network management system of Lavian to include wireless functionalities.

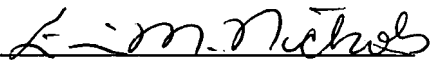
It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.017.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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